



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF THE GENERAL COUNSEL

October 30, 2024

Via Electronic Filing

Mark Langer, Clerk
United States Court of Appeals
for the District of Columbia Circuit
E. Barrett Prettyman United States Courthouse
333 Constitution Ave. NW
Washington, DC 20001

Re: No. 24-1293; *Secretary of Labor v. Knight Hawk Coal, LLC, et al.*

Dear Mr. Langer:

Respondent Federal Mine Safety and Health Review Commission (“Commission”) is an adjudicatory agency that is wholly independent from the Department of Labor and its Mine Safety and Health Administration. The Commission has reviewed the initial filings in this case. After consultations with the Department of Justice and in consideration of this Court’s ruling in *Oil, Chemical, and Atomic Workers Intern. Union v. OSHRC*, 671 F.2d 643 (DC Cir. 1982), the Commission does not intend to participate in mediation, file a brief, or participate in oral argument in this matter unless otherwise directed by the Court. Nonetheless, the Commission remains a respondent and will monitor the litigation, consistent with past practice before this Court. The Commission should be sent copies of all papers issued by the Court in this matter and should be served by parties with their filings, briefs, and pleadings.

In the proceedings below before the Commission, the Secretary’s and operators’ positions were aligned. Because the Commission is not participating as an active party in this litigation before this Court, it is likely that the decision of the Commission will not be represented by any party.

Thank you for your consideration.

Sincerely yours,

/s/

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Parties of Record (via ECF)